

A SUBSTITUTE RESOLUTION

01-R-1079

TO A RESOLUTION BY COUNCILMEMBER LEE MORRIS

A RESOLUTION TO ESTABLISH A POLICY OF FULL COOPERATION AND DISCLOSURE WITH THE UNITED STATES ATTORNEY RELATIVE TO ANY FEDERAL INVESTIGATION; TO DIRECT THE CITY ATTORNEY ^{TO} RESCIND ~~REPRESENTATION OF CITY EMPLOYEES~~ IN ANY ONGOING PROCEEDINGS; AND FOR OTHER PURPOSES.

Any INSTRUCTION TO THE UNITED STATES ATTORNEY NOT TO CONTACT CITY EMPLOYEES DIRECTLY

Whereas, there are certain grand jury matters proceeding in the United States District Court for the Northern District of Georgia; and

Whereas, these proceedings have resulted in ongoing discussions between the City of Atlanta and the federal government related to the operations of municipal government; and

Whereas, the City Attorney has undertaken to diligently represent the interests of the City in these matters, as charged by the City of Atlanta Charter, including engaging the firm of Holland & Knight to assist in the myriad of novel legal issues presented by the expansive scope of the federal investigation; and

Whereas, in that regard the City Attorney has undertaken to provide all documents identified by the federal government and to facilitate the appearance of individuals, as requested; and

Insert here the attached as the 4th. Whereas
Whereas, State Bar of Georgia Rules of Professional Conduct 4.2 and the comments thereto require that persons represented in a matter not be contacted by another lawyer; and

Whereas, "Ethical Standards for Federal Prosecutors," 28 U.S.C. § 530B and 28 C.F.R. § 77.3 similarly require the United States Attorney to adhere to all rules and laws governing attorneys in the State of Georgia; and

Whereas, the Department of Justice has promulgated regulations specifically making state codes of professional responsibility applicable to federal prosecutors (see, Federal Register, at 64 FR 19273); and

Whereas, in accordance with Georgia Rule of Professional Conduct 4.2 and the large body of federal law the U.S. Attorney has contacted the City Attorney and outside counsel to facilitate the production of documents and presentation of City Employees as witnesses; and

Whereas, the Atlanta City Council is the governing body of the City and all legislative powers are vested therein; and

~~Whereas, the City Council wishes to further assist the United States Attorney in the investigation of any wrongdoing in any corner of the Atlanta City Government; and~~

Whereas, the City Council wishes to remove any actual, perceived or potential impediment to a thorough and swift investigation; and

Whereas, the City Council wishes to establish the policy that the U.S. Attorney shall have full authority to contact all City employees without consultation with the City Attorney or outside counsel; and

Whereas, the City Council recognizes that officials and employees of the City who are not targets or suspects in the aforementioned investigation may still be subject to certain federal orders, however, it is assumed that the United States Attorney will provide any advice necessary to City officials and employees to obtain compliance with federal orders.

The City Council of the City of Atlanta, Georgia, hereby resolves that it is declared to be the policy of the City of Atlanta, Georgia to cooperate completely with the federal government in the ongoing investigation related to the operations of City government.

Be it further resolved that the City Attorney is directed to continue to facilitate the ongoing federal investigation by gathering requested evidence in a timely manner so as not to impede or otherwise hinder the investigation.

Be it further resolved that all employees, appointees and elected officials are also directed to take every appropriate and practical step to provide truthful and complete information to all federal investigators consistent with the intent of the City Council that this matter be brought to an expeditious and final resolution.

Be it further resolved that the City Attorney is directed to rescind and revoke any instruction to the United States Attorney or federal investigators not to make direct contact with City employees or officials who are not targets or suspects in the ongoing investigation, and that the City Council will expect the U.S. Attorney to provide City employees and officials with any advice required to obtain compliance with all applicable federal court orders.

Be it finally resolved that all resolutions in conflict herewith are hereby rescinded.

Substituted 4th. Whereas

Insert a §. 4th. Whereas

Whereas, interviews with the US
Attorney office are both voluntary
and confidential and the
interviewee should be allowed
to attend an interview alone
or request the assistance of
the City Attorney; and